

Message Text

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INFO OCT-01 ISO-00 DHA-02 ORM-02 CIAE-00 DODE-00 PM-04

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APPROVED BY AF/C:TRBUCHANAN

AF/I:JDWHITING

AF:WEDMONDSON (SUBS)

D/HA:WILSON (DRAFT)

L/HR:RUNYON (DRAFT)

L/PM:BOREK (DRAFT)

S/P:AUSTIN (DRAFT)

T:BARTLEY (DRAFT)

S/S - MR. SEBASTIAN

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R 082140Z NOV 76

FM SECSTATE WASHDC

TO AMEMBASSY LIBREVILLE

C O N F I D E N T I A L STATE 274709

E.O. 11652: GDS

TAGS:SHUM, MASS, GB

SUBJECT: CLEARANCE OF DRAFT HUMAN RIGHTS OBSERVANCE REPORT

REF: STATE 231122

1. SECTION 502B OF THE FOREIGN ASSISTANCE ACT OF 1961
AS AMENDED BY THE INTERNATIONAL SECURITY ASSISTANCE ACT
AND ARMS EXPORT CONTROL ACT OF 1967 STATES IN PARAGRAPH
502B(B) THAT THE "SECRETARY OF STATE SHALL TRANSMIT TO
THE CONTRESS, AS PART OF THE PRESENTATION MATERIALS FOR
SECURITY ASSISTANCE PROGRAMS PROPOSED FOR EACH YEAR, A
FULL AND COMPLETE REPORT....WITH RESPECT TO PRACTICES
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REGARDING THE OBSERVANCES OF AND RESPECT FOR INTERNATION-

ALLY RECOGNIZED HUMAN RIGHTS IN EACH COUNTRY PROPOSED AS A RECIPIENT OF SECURITY ASSISTANCE." PARAGRAPH (D) (2) OF SECTION 502B AS AMENDED DEFINES "SECURITY ASSISTANCE" TO INCLUDE SECURITY SUPPORTING ASSISTANCE, FMS, CERTAIN COMMERCIAL SALES, CREDITS AND OTHER PROGRAMS. THE FULL TEXT OF THE AMENDED SECTION 502B WAS TRANSMITTED BY THE REFTEL.

2. AS INDICATED IN THE REFTEL, THE DEPARTMENT HAS BEEN COLLECTING AND PREPARING INFORMATION ON THE HUMAN RIGHTS SITUATIONS IN SECURITY ASSISTANCE RECIPIENT COUNTRIES IN

ANTICIPATION OF SUBMITTING IT TO CONGRESS EARLY NEXT YEAR AS PART OF THE CONGRESSIONAL PRESENTATION DOCUMENT (CPD) ON SECURITY ASSISTANCE. HUMAN RIGHTS REPORTING FROM OVERSEAS POSTS, INFORMATION FROM NON-GOVERNMENTAL ORGANIZATIONS SUCH AS THE INTERNATIONAL COMMISSION OF JURISTS, AMNESTY INTERNATIONAL AND FREEDOM HOUSE, REPORTS BY INTERNATIONAL ORGANIZATIONS AND CONGRESSIONAL HEARINGS ON HUMAN RIGHTS HAVE BEEN COMPILED IN A DRAFT HUMAN RIGHTS OBSERVANCE REPORT ON EACH SECURITY ASSISTANCE RECIPIENT COUNTRY. THE DRAFT REPORT ON GABON IS AT PARA (7).

3. THE DRAFT REPORT FOLLOWS A STANDARD FORMAT CALLING FOR A DESCRIPTION OF THE POLITICAL AND LEGAL SITUATION IN THE COUNTRY, A DESCRIPTIVE STATEMENT OF ACTUAL OBSERVANCE OF RIGHTS AND FREEDOMS IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WITH SPECIFIC ATTENTION TO MATTERS SPECIFIED IN THE INCLUSION CLAUSE OF PARAGRAPH (D)(L) OF SECTION 502B AS AMENDED, AND A REFLECTION OF OTHER HUMAN RIGHTS REPORTING. THE TEXT OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WAS TRANSMITTED TO THE FIELD AS AN ENCLOSURE TO 75 STATE A-1045.

4. THE DRAFT REPORT HAS BEEN PARTIALLY CLEARED IN THE DEPARTMENT AND IS BEING USED INTERNALLY IN THE CURRENT REVIEW OF PROPOSED PROGRAMS FOR FY 1978. BEFORE FINAL CLEARANCE IN THE DEPARTMENT CAN BE OBTAINED FOR THE DRAFT REPORT'S INCLUSION IN THE CPD AS AN UNCLASSIFIED CONFIDENTIAL

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DOCUMENT (WHICH MAY BE PUBLICLY DISCLOSED IF CONGRESS SO CHOOSES), THE DEPARTMENT REQUESTS THE EMBASSY TO CAREFULLY REVIEW, CORRECT, UPDATE AND CLEAR THE DRAFT. (UNTIL THE DRAFT IS CLEARED FOR RELEASE, HOWEVER, IT REMAINS A WORKING DOCUMENT CLASSIFIED CONFIDENTIAL UNDER THE PROVISIONS OF EXECUTIVE ORDER.)

5. IN CONDUCTING ITS REVIEW, THE EMBASSY SHOULD INSURE

THAT THE INFORMATION IN THE DRAFT CONSTITUTES A "FULL AND COMPLETE REPORT -- WITH RESPECT TO PRACTICES REGARDING THE OBSERVANCE OF HUMAN RIGHTS" IN GABON, AS REQUIRED IN SECTION 502B (B) AS AMENDED.

6- REQUESTED ACTION: THE EMBASSY IS REQUESTED TO REVIEW THE ENCLOSED DRAFT AND PROVIDE COMMENTS, SUGGESTED REVISIONS, UPDATING INFORMATION, ADDITIONAL INFORMATION IN SATISFACTION OF THE REQUIREMENTS OF SECTION 502(B) AS AMENDED, AND CLEARANCE BY TELEGRAM TO REACH THE DEPARTMENT NO LATER THAN NOVEMBER 15.

7. BEGIN DRAFT TEXT:

I. POLITICAL SITUATION

GABON IS ORGANIZED AS A REPUBLIC ON THE FRENCH MODEL. ITS PRESIDENT IS POPULARLY ELECTED FOR A 7-YEAR TERM, BUT AS THERE IS ONLY ONE LEGAL POLITICAL PARTY IT IS IN FACT THE PARTY THAT CHOOSES THE PRESIDENT. THE CURRENT INCUMBENT, PRESIDENT OMAR BONGO, IS IN FIRM CONTROL OF HIS PARTY AND THE COUNTRY, AND IS ABLE TO EXERCISE AUTHORITY IN A VERY DIRECT WAY. THERE DOES NOT APPEAR TO BE ANY SERIOUS OPPOSITION MOVEMENT AGAINST THE PRESIDENT. THERE WAS ONE UNSUCCESSFUL AND BLOODLESS COUP D'ETAT ATTEMPT, IN 1964, AGAINST HIS PREDECESSOR.

II. LEGAL SITUATION

THE PREAMBLE TO THE CONSTITUTION AFFIRMS THE DEDICATION OF THE GABONESE PEOPLE TO BOTH THE 1789 FRENCH DECLARATION OF HUMAN RIGHTS AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. THESE PRINCIPLES ARE GUARANTEED IN TITLE I OF THE

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CONSTITUTION. THE CONSTITUTION EMPOWERS THE PRESIDENT TO DECLARE A STATE OF SIEGE, BY WHICH HE WOULD BECOME INVESTED WITH CERTAIN ADDITIONAL AUTHORITY. NO SUCH DECLARATION IS IN EFFECT AT THE PRESENT TIME.

III. ACTUAL OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON

-- ARTICLE 3: THE RIGHT TO LIFE, LIBERTY AND THE SECURITY OF PERSON IS GENERALLY OBSERVED IN GABON.

-- ARTICLE 5: TORTURE, CRUEL INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT DOES NOT APPEAR TO BE PRACTICED IN GABON.

-- ARTICLE 8: THE RULE OF LAW APPEARS TO BE GENERALLY FOLLOWED IN GABON.

-- ARTICLE 9: POLITICAL DETENTIONS OCCUR BUT THE PRACTICE DOES NOT APPEAR WIDESPREAD OR SYSTEMATIC. THERE DO NOT APPEAR TO BE PERSONS SUFFERING PROLONGED DETENTION EXCEPT AS A RESULT OF LEGAL JUDGMENT.

-- ARTICLE 10: FAIR AND PUBLIC HEARINGS APPEAR TO BE THE RULE.

-- ARTICLE 11: FAIR TRIALS APPEAR TO BE HELD, WITH RIGHTS OF THE ACCUSED GUARANTEED.

B. OTHER IMPORTANT FREEDOMS

FREEDOM OF SPEECH, ASSEMBLY, AND ASSOCIATION ARE ALL CURTAILED TO SOME DEGREE IN GABON BUT WITHOUT RECOURSE TO HARSH OR REPRESSIVE MEASURES. THE MEDIA ARE GOVERNMENT-CONTROLLED AND THERE IS A SINGLE POLITICAL PARTY. WITHIN THE PARTY THERE IS CONSIDERABLE DISCUSSION AND CRITICISM ON THE LOCAL LEVEL; THIS FREEDOM DOES NOT APPEAR TO EXTEND TO PERMIT CRITICISM OF THE PRESIDENT OR HIS BASIC POLICIES. THE EXISTENCE OF A SINGLE POLITICAL PARTY AND OF A SINGLE GOVERNMENT-APPROVED LABOR CONFIDENTIAL

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FEDERATION MEANS THAT IN EFFECT PRACTICALLY ALL ASSEMBLIES FOR POLITICAL PURPOSES ABOVE THE VILLAGE LEVEL HAVE A PRIORI GOVERNMENT APPROVAL.

THERE ARE NO SIGNIFICANT RESTRICTIONS ON THE FREEDOM OF MOVEMENT. FREEDOM OF RELIGION IS SCRUPULOUSLY OBSERVED.

IV. OTHER HUMAN RIGHTS REPORTING

AMNESTY INTERNATIONAL'S 1975-76 REPORT NOTES PROGRESS ON CERTAIN CASES THAT HAD BEEN THE OBJECT OF AI INVESTIGATIONS. 16 PERSONS THAT HAD BEEN HELD WITHOUT TRIAL SINCE 1972 WERE TRIED IN JUNE, 1975. OF THOSE, 7 WERE CONVICTED AND SENTENCED TO PRISON TERMS. ON 31 DECEMBER, 1975, HOWEVER, THERE WAS A GENERAL AMNESTY IN WHICH ALL PRISONERS WERE RELEASED WITH THE EXCEPTION OF ONE, WHOSE RELEASE WAS EXPECTED TO FOLLOW SHORTLY.

FREEDOM HOUSE LISTS GABON AS "NOT FREE." END TEXT. KISSINGER

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